

An Appeal to the Government of Québec

For access to the right to health in full equality

On June 9, the Supreme Court rendered a decision that invalidates two clauses of Québec legislation aimed at prohibiting access to private insurance covering health services offered as part of the public system.

Whereas the purpose of these two clauses was to ensure a pooling of financial resources for health care and to promote a policy of access to health care on the basis of need rather than ability to pay or social status;

And whereas this judgment seems to equate the right to “spend” on private health-care insurance with a constitutional Charter right;

And whereas Justices Binnie, Lebel and Fish were of the opinion that “Those who seek private health insurance are those who can afford it and can qualify for it. They will be the more advantaged members of society. They are differentiated from the general population, not by their health problems, which are found in every group in society, but by their income status”;

And whereas, according to the same judges, the Charters must not become an instrument used by the wealthy to “roll back” the benefits of a legislative scheme that helps the poorer members of society (paragraph 274 of the decision) and that the ruling opens the door to one health-care system for the wealthy and another for the poor;

And whereas the Santé Québec survey showed that very few of the poorest Quebecers have supplemental health insurance, that they have more serious health problems and that their life expectancy is shorter than that of persons with higher incomes;

And whereas the Romanow Report concluded that we cannot accept a health-care system in which money rather than need determines who has access to health care, and warned that an expanded role for private health-care providers could jeopardize the integrity and viability of our health-care system;

And whereas the Commission des droits de la personne et des droits de la jeunesse recommends that the Québec Charter of Human Rights and Freedoms be amended to recognize the right to health, namely the right of each person to benefit from programmes, goods, services, facilities and conditions that enable him or her to enjoy the best physical and mental health that he or she can achieve;

And whereas the Act respecting health services and social services is currently undergoing a major review in the National Assembly;

And whereas the principles of the Canada Health Act – public management, comprehensiveness, universality, portability and accessibility – as well as the Act's prohibition of extra-billing and user fees have not yet been entrenched in Québec legislation;

And whereas the Conseil de la santé et du bien-être has undertaken to prepare a draft *Declaration of rights and responsibilities with respect to health and well-being*, and will conduct consultations in the fall;

And whereas a recent study published by the OECD concluded that in most countries in which private insurance plays a role, it has often given rise to serious problems of equity and increased health costs;

And whereas in the context of international trade agreements, the privatization and commodification of health care would open the door to powerful U.S. health-care corporations;

The Coalition Solidarité Santé, the Ligue des droits et libertés and the Coalition of Physicians for Social Justice call on the Government of Québec to:

- use all means at its disposal to suspend the effects of the Supreme Court judgment so as to preserve the current policy of access to health care on the basis of need rather than ability to pay or social status;

and

- conduct a public debate by means of a roving commission on the right to health, considered more especially as respect for the right of every human being to life and personal security, inviolability and freedom, in full equality without any distinction on the basis of social condition.

